

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JUDITH GOLDMAN and	:	
KENNETH B. GOLDMAN	:	
Plaintiffs,	:	CIVIL ACTION
	:	No. 12-4469
v.	:	
CITIGROUP GLOBAL	:	
MARKETS INC.; BARRY	:	
GUARIGLIA; FINRA; and	:	
FREDERICK PIERONI,	:	
Defendants.	:	

**ORDER**

**AND NOW**, this \_\_\_\_19th\_\_ day of May 2015, it is **ORDERED** as follows:

- Judith and Kenneth Goldman’s Motion for Leave to Provide Supplemental Authority (ECF No. 56) is **GRANTED**.
- Citigroup Global Markets Inc. and Barry Guariglia’s Motion to Dismiss for Lack of Jurisdiction (ECF No. 43) is **GRANTED**. Accordingly, Judith and Kenneth Goldman’s Refiled Motion to Vacate (ECF No. 42) and Motion for a Temporary Restraining Order (ECF No. 58) are both **DENIED**.
- Judith and Kenneth Goldman’s Motion for Leave to File an Amended Complaint (ECF No. 50) is **DENIED**.<sup>1</sup>

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<sup>1</sup> The Goldmans seek to amend their complaint to assert the same claims they unsuccessfully brought in their arbitration before FINRA. In support of their motion to amend, they cite FINRA Rule 12206. *See* Mot. for Leave to File Am. Compl. At 3-4, ECF No. 50. That rule, however, only applies when the claims in the underlying arbitration are dismissed for being untimely. “Where six years have elapsed from the occurrence or event giving rise to the claim,” and a defendant successfully moves to dismiss on that ground, “the non-moving party may withdraw any remaining related claims without prejudice and may pursue all of the claims in court.” FINRA Rule 12206, available at [http://finra.complinet.com/en/display/display\\_main.html?rbid=2403&element\\_id=4112](http://finra.complinet.com/en/display/display_main.html?rbid=2403&element_id=4112). Defendants did not claim in the underlying arbitration that the Goldmans’ claims were untimely, and the arbitration panel

s/Anita B. Brody

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ANITA B. BRODY, J.

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accordingly dismissed the Goldmans' claims on the merits. *See* Mot. to Dismiss, for Expungement, and for Atty's Fees, ECF No. 51-3; Arbitration Award, ECF No. 42-2.